IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 13137 of 2000

Between:

R. Bala Prasad s/o. Late R.Chalapathi Rao,
Government Observation Home for boys, Guntakal,
Ananthapur District.

..... PETITIONER

AND

1 State of Andhra Pradesh, Rep.by its Secretary,
Home Department, A.P., Hyderabad.
2 Sri Chandra Babu.A, Judicial Fist Class Magistrate
at Guntakal, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any Writ or Writs more particularly are in the nature of Mandamus, declaring the action of the respondents in filing of complaint by the 2nd respondent without evidence and registering the same by the 2nd respondent and concluding the commission of offences by the petitioner without further investigation as arbitrary, illegal, ultra vires and violative of Art.14 and 21.

Counsel for the Petitioner:MR. V.VENKATA RAMANA FOR

MR.A.SRI GANESH

Counsel for the Respondent No.1: GP FOR HOME

Counsel for the Respondent No.2:MR. G. DASARADHARAMI REDDY

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.13137 OF 2000

ORDER:

The Station House Officer, II-Town Police Station, Guntakal, registered Crime No.62 of 1999 against petitioner under Sections 344, 346, 363, 365, 367, 368, 370 and 374 of Indian Penal Code (IPC) on a complaint given by second respondent, who is also Juvenile Magistrate under Juvenile Justice Act, 1986. Assailing the said action, present Writ Petition is filed.

The case of the petitioner is that he was appointed as Grade-I District Probation Officer and posted as Superintendent of Government Observation Home for Boys at Guntakal. One of the Teachers attached to the home wrote and conducted a play-let, which has the characters of two dhobis. Therefore, second respondent, it is alleged, who belongs to dhobi caste got angry and so as to wreck out vengeance made a complaint, which was registered as crime. It is further alleged that in the complaint the Magistrate informed as under.

> It is published in Vartha Telugu Daily District Edition dated 18.11.1999 that the inmate by name Veeresh, Observation Home for Boys, Guntakal, is being utilized in the house of Superintendent at Anantapur as a servant and it is being done for the last 2 months. The Welfare Board Chairman of the Observation Home for Boys, Guntakal, by name Sri P.N.R.Prasad Reddy stated in the said publication that the Veeresh inmate was transferred to Observation Home for Boys, Ballary Home or at Guntakal is hereby directed to take immediate action by registering F.I.R. in respect of the above incident and submit a report within one week. The S.H.O. is directed to refer 'Eenadu' Telugu daily dt.18.11.1999 for more particulars of the incident.

The quashing of F.I.R. or crime is sought mainly on the ground that it is vitiated by *mala fides*. A reading of the complaint given by learned Juvenile Magistrate, second respondent, would show that there is *prima facie* material to show that petitioner is involved in the crime as alleged. Therefore, further enquiry is not necessary in this Writ Petition. It is now well settled by reason of judgment of the Supreme Court in **State of Karnataka v. M.Devendrappa** that when information is lodged at the Police Station and an offence is registered, then the *mala fides* of the informant would be of secondary importance. In that view of the matter, there are no merits in the Writ Petition.

The Writ Petition is accordingly dismissed. No costs.

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19.7.2005 (V.V.S.RAO, J)

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To

1 The Secretary, Government of Andhra Pradesh,
Home Department, A.P. Secretariat, Hyderabad
2 Sri Chandra Babu.A, Judicial Fist Class Magistrate
at Guntakal, Ananthapur District.

3. 2 CCs to G.P. for Home, High Court Bldgs., Hyderabad (OUT)

4. 2 CD copies